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September 15, 2015

VIA ELECTRONIC FILING

The Honorable Leonard P. Stark
U.S. District Court for the District of Delaware
844 N. King Street
Wilmington, DE 19801-3568

Re: *Data Engine Technologies LLC v. Google Inc.*, C.A. No. 14-1115-LPS- CJB

Dear Chief Judge Stark:

This firm represents defendant, Google Inc. (“Google”). Google’s opening *Markman* brief is due on Friday, September 25, 2015. Approximately 2 weeks ago, Google asked plaintiff for a short extension of the page limit for opening briefs to no more than 30 pages per brief due to the number of claims asserted by Plaintiff Data Engine Technologies, LLC (“Data Engine”). In this regard, until yesterday, Data Engine had asserted more than 80 claims across the five patents asserted in this case. During a meet-and-confer on September 3, Data Engine promised to reduce the number of asserted claims to 40 by September 11, and the parties discussed that such a reduction of claims may reduce the number of disputed claim terms. Due to this conversation, Google thought that an increase in the claim construction briefing page allowance might not be necessary.

Data Engine now asserts 40 claims against Google, but that reduction did not reduce the number of claim terms for construction by the Court, currently numbering 25. Because Data Engine’s reduction of asserted claims has not affected the number of disputed claim terms, Google still believes (as it expressed to Data Engine via e-mail on September 2 and on the September 3 meet-and-confer) that a 10-page expansion is necessary. Moreover, due to the number of claims asserted, Google also asked plaintiff for a reasonable extension of two weeks to file opening briefs. Data Engine has opposed this request.

Thus, in light of the number of claims asserted by Data Engine and the number of terms for construction, Google respectfully requests an extension to no more than 30 pages for its opening *Markman* brief. Google also requests an extension of two weeks for the filing of opening briefs. A form of order is attached hereto. Google is happy to file a formal motion, but given the current date for opening briefs of September 25, Google thought a letter motion would be more appropriate.

Respectfully,

/s/ Frederick L. Cottrell, III

Frederick L. Cottrell, III (#2555)



The Honorable Leonard P. Stark
September 15, 2015
Page 2

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Attachment

cc: All Counsel of Record (via email)